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Permanent Forum on Indigenous Issues
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Agenda item 4
Half-day discussion on the African Region

Follow-up to the recommendations of the Permanent Forum

1. The Permanent Forum on Indigenous Issues has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

2. It is the understanding of the secretariat of the Forum that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented in accordance with the availability of regular budget and extrabudgetary resources.

3. The Permanent Forum recognizes that groups identified as comprising indigenous peoples on the African continent have suffered, and continue to suffer, particular injustices, including the denial of their basic human rights, such as the right to recognition and the right to lands, territories and related resources. The Forum notes with concern that the land-based culture that characterizes indigenous peoples in Africa is often regarded as non-economically active, uncivilized and retrograde. Such views constitute a serious impediment to the enjoyment and fulfilment of the internationally recognized human rights of indigenous peoples.

4. The continuing denial of indigenous peoples' rights to lands, territories and resources, based upon various racist doctrines, theories and policies, including on lands occupied or otherwise used, historically and currently, has led, inter alia, to the eviction of indigenous peoples from their lands and the erosion of their hunting and other traditional occupations and lifestyles, thereby threatening their very survival and well-being as peoples. It is necessary to ensure that bans, such as on hunting and other traditional livelihoods, do not infringe upon the rights of indigenous peoples.

5. The Permanent Forum recognizes that many positive developments regarding the recognition of indigenous peoples and the need to protect and promote their rights have taken place over the past years and welcomes the leading role of the African Commission on Human and Peoples' Rights and the Expert Mechanism on

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Indigenous Populations in recognizing indigenous peoples on the African continent and promoting their rights. Several African countries have also contributed to the development of the recognition of indigenous peoples. The Forum notes with appreciation the ratification by the Central African Republic of International Labour Organization Convention No. 169 on indigenous and tribal peoples; the passage by the Congo of Law No. 5-2011, on the promotion and protection of indigenous populations, and the establishment of a legal platform to address the situation of indigenous peoples in the country; and the introduction of quotas for the Batwa indigenous people in Burundi. The practice by African States of supporting indigenous peoples is developing and should be encouraged.

6. While the concept of indigenous peoples in Africa has been conceptualized and adopted by African Union bodies, including at the Heads of State summits, there is still a need for awareness-raising about indigenous peoples on the continent, and for robust and effective measures, including legislative measures, to ensure recognition of and respect for their human rights. Likewise, while the rights of indigenous peoples have been supported in African courts and in decisions by the African Commission on Human and Peoples' Rights and the African Court of Justice and Human Rights, gaps in implementation remain widespread. The Permanent Forum urges the concerned States to implement the decision of the African Commission on Human and Peoples' Rights in the *Endorois* case; the verdict of the African Court of Justice and Human Rights in the *Ogiek* case; and the Botswana High Court decision in the case concerning the Kalahari Game Reserve. These cases are important since they contribute to the development of jurisprudence on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

7. The Permanent Forum welcomes the lively and analytical dialogue that emerged from the half-day discussion on the African region and encourages the United Nations Development Group to facilitate further dialogue between States and indigenous peoples at the African continental level to foster better understanding of the Declaration and the commitments to indigenous peoples that Member States have made. Within this framework, capacity-building at the national level should be enhanced.

8. The Permanent Forum encourages States and multilateral environmental agencies and other conservation agencies to adopt a rights-based approach to conservation and follow-up and to systematically evaluate how the rights are implemented.

9. The Permanent Forum recognizes the particular concerns of African indigenous youth, who are striving against political, social and economic challenges, poverty, marginalization, and a lack of capacity development and employment. The Permanent Forum calls upon, inter alia, the Economic Commission for Africa, and the African Union, including the New Partnership for Africa's Development, to provide adequate capacity-building programmes and opportunities to enable African indigenous youth to engage meaningfully with States and other key development players, including by organizing and sponsoring attendance at trainings, conferences and other forums on indigenous issues.

10. The Permanent Forum invites the agencies of the United Nations system, including the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the International Fund for Agricultural

Development, in cooperation with the secretariats of the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and the United Nations Framework Convention on Climate Change, to convene a workshop on African pastoralism, indigenous peoples' rights and climate adaptation.

11. The Permanent Forum calls upon States to make sure that national policies regarding indigenous pastoralism comply with the United Nations Declaration.

12. The Permanent Forum acknowledges that indigenous women in Africa face multiple forms of discrimination and several related challenges, including limited access to quality health care, and sexual and reproductive health services; limited access to quality and relevant education; limited access to economic empowerment, vocational training and capacity-building programmes and processes; denial or limited access to property rights and violation of their rights to inherit land; vulnerability to conflicts; gender-based domestic, psychological and physical violence; and food insecurity.

13. The Permanent Forum calls upon the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Development Programme and other entities of the United Nations system to develop programmes and projects that support and build the capacity of indigenous women in Africa in order to empower them economically and socially. A good practice in this regard is strengthening the entrepreneurship of indigenous women and facilitating their access to formal markets and financial institutions for their activities. The Permanent Forum also encourages States to develop affirmative actions that are aimed at actively including indigenous women in decision-making at all levels and at ensuring that indigenous women's voices are equally represented in the economic, social and political decision-making processes.

14. The Permanent Forum notes the vulnerable position of indigenous women in Africa. Indigenous women in Africa constitute a marginalized group in broader society and within indigenous communities. The high rate of indigenous children who are out of school requires urgent attention, in particular in respect of securing access by girls to quality and relevant education that respects the cultures and traditions of the communities and that is responsive to their needs. Since many indigenous peoples live in regions that have been defined as geographically remote or inaccessible, and many services do not reach such indigenous communities, there are serious challenges regarding, for example, the long distances required to reach hospitals and health-care centres, which cause maternal mortality rates in indigenous communities to be disproportionately high. The Permanent Forum urges States to ensure that mobile health services reach remote areas.

15. The Permanent Forum notes the increasing operation activity of extractive industries and other large-scale development projects that is taking place on or near the territories of indigenous peoples in many African States, often without the involvement of indigenous peoples and without their free, prior and informed consent. The Forum recommends that African States must respect the United Nations Declaration, in particular the right of indigenous peoples to free, prior and informed consent.